

Central Administrative Tribunal
Delhi Bench

Cause Title Case No. 190 of 1993

Name of the Parties G.K. Nagehanli - Applicant

versus

Dr. P.K. Mandlik

Respondents.

Part A. P.C.

Description of documents

Page

S1. No.

1.

Check List

A1 A3

2.

Order Sheet

A1 A3

3.

Judgement dismissed on 16.4.92 in A3

4.

Petition Copy

A4 A24

5.

Annexure

6.

Power

A15

7.

Counter Affidavit

A26 A29

8.

Rejoinder Affidavit

A30 A36

1 - Application Copy A.

B - File

B37-B103

B - File

C - File C104-C105

File B/C closed, seal/destroyed

Regd

E.C (5)

(A)

OR

4c for the applicant
has filed C.C.P No
17/90/4 in on 29/1/90/4
against the judgement
dt 31.8.90 passed on
2nd Mr. D. K. Agarwal, J.M.
& the C. O. Bajya, J.M. on
15.11.90.

19.11.90 Hon. Mr. Justice K. Nath VC
Hon. Mr. M. M. Singh J.M.

On the request of both the
parties case is adj. to 21.11.90

M. H. L. J.M.
VC

S. P. C.

10/11/90

21/11/90

Hon. Mr. Justice K. Nath
Hon. Mr. M. M. Singh

The learned C. J. for both the
parties has sought adjournment.
In the cause list, ~~any~~ admission
C.A. No. 361/90 (i) also
is before us which is reserved
for judgement; the main
judgement in both the cases
were to be same. However,
the case be listed for orders
on 16/1/91.

M. H. L. J.M.
VC
Am.

16/11/91
No Sittings adjourned to 30/11/91.

C. J.

30/11/91 No Sittings adj. to 20.12.91.

Contempt 17/90

2-7-91 Honor Justice O.C.S, VC
Hon Mr. D.P. Borth AM

Counter has been filed today.
Rejoinder may be filed within
2 weeks thereafter. List on
18-7-91 for hearing.

D
J
AM

W

PC

7-8-91

No Siting adj 20.9.91

DR
No: RA filed
16/7

2 7-8-91

19-9-91 - case not reached P.D. to
14-10-91.

18-7-91
D.P.

Both the parties are
present today. counsel
for the applicant has

No Siting adj 2-12-91 D

13th C

filed Rejoinder.

2-12-91

No Siting adj 2-12-91

D

Affidavit today. Now
this case is ready
for final hearing.

7-4-92 No setting Adj to 16-11-92

2 to be listed before
the Hon. Birch on
9/8/91 for final hearing.

OR

CA / D.P. have been
pleaded Submitter for
hearing.

18/11/91
S.P. P.

OR
S.P. P.
15-4

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

(A)

Contempt Petition No. 17/90

In

O.A. 361/90

G.K. Nagchandi

Petitioner

versus

D.R.P.K. Nandi and another

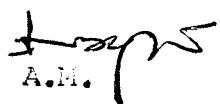
Opposite parties.

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. A.B.Gorathi, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

This is an application for contempt. We have disposed of O.A. No. 361/90. It cannot be said that there is flouting of the order of this Tribunal. No contempt is made out, more so we have also directed the representation to be considered. Contempt petition is dismissed and notices discharged.


A.M.


V.C.

Lucknow: Dated 16.4.92.

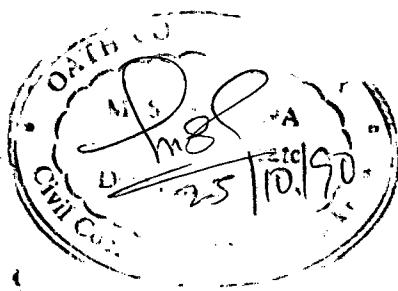
Shakeel/

(10)

- 3 -

the petitioner was not considered and another officer from Chandigarh was posted to Bhopal. Even the application cum-telegram of the petitioner for reconsideration of the matter failed to evoke any response.

4. That there was a complaint during March 1990 from one Sri R.D.Shukla, a resident of Lucknow to the Hon'ble Prime Minister regarding payment of the bills to the private registered parties. The complaint was sent to the petitioner, who had put up a note to the then Deputy Director on 30.3.1990 and suggested measures to sort out the problem. No decision was, however, taken by the then Deputy Director in the matter. Even the letters sent by the petitioner to the Respondent No.1 on 4.4.1990 and subsequent telegram dated 24.5.1990 failed to evoke any response. It is obvious that the petitioner had done whatever was expected of him but the payments were delayed due to no decision by the Respondent No.1 and the then Deputy Director.



5. That during April 1990, Sri B.P.Solanky, the then Deputy Director was transferred from Lucknow to New Delhi. Prior to his departure, the then Deputy Director had threatened the petitioner and had told in no uncertain terms that the insult and humiliation which he had suffered will be avenged. The Respondent No.2 the present Deputy Director, has joined the office

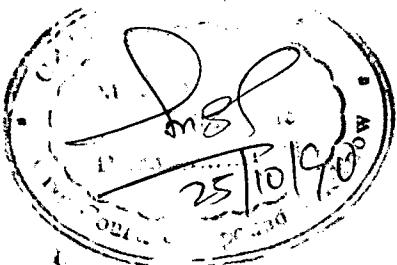
Reengland

at Lucknow on 21.5.1990.

6. That all of a sudden, news items appeared in various local dailies regarding the demand of disciplinary action against the petitioner for delay in payment of bills and the serious allegations of corruption against the petitioner. As already stated the petitioner was in no way responsible for the delay in payment of bills. Subsequently, representations were made by the General Secretary, U.P. Panjikrit Kalakar Sangh, Lucknow to the Minister of Information & Broadcasting in this regard. The petitioner has also learnt that the said Sangh had approached local M.P./MLA who have written to the Minister of Information and Broadcasting for taking action in the matter.

7. That the whole matter was explained by the Respondent No.2 to the Respondent No.1 vide his D.O. letter No.R-11012/7/90/Geena/Luck dated 3.8.90, in which all the allegations were denied and rather responsibility was taken by the Respondent No.2 of all these allegations but the Respondent No.1 issued the transfer order of the petitioner from Lucknow to Madras vide order No.A-22013/1/90-Admn I dated 22.8.90, as if the petitioner is responsible for the delay in payment and the allegations levelled

Reengled



against him are true. The transfer order is stigmatic and has been passed by way of punishment, without affording any opportunity to the petitioner and he has been condemned unheard. The transfer order was received in the office of Respondent No.2 on 27.8.90 (afternoon) and on the same day the petitioner was relieved by the Respondent No.2 in a big haste. The petitioner had no time even to submit a proper representation and in such circumstances he preferred a representation dated 27.8.90 in brief which was forwarded by the Respondent No.2 to the Respondent No.1 on 28.8.1990.

8. That the petitioner filed O.A.No.290 of 1990 before this Hon'ble Tribunal challenging the transfer order dated 22.8.1990 and the same was finally disposed of by a Division Bench of this Hon'ble Tribunal, consisting of Hon'ble Mr.D.K.Agarwal, JM and Hon'ble Mr.K.Ghayya, A.M. vide judgment and order dated 31.8.1990. A photostat copy of the judgment and order dated 31.8.90 is being annexed as Annexure No.1 to this application. The certified copy of the judgment was received on 4.9.1990 by the Counsel for the petitioner. While disposing of the O.A.No.290 of 1990 vide judgment and order dated 31.8.1990, this Hon'ble Tribunal had stayed the implementation of the transfer till a decision is

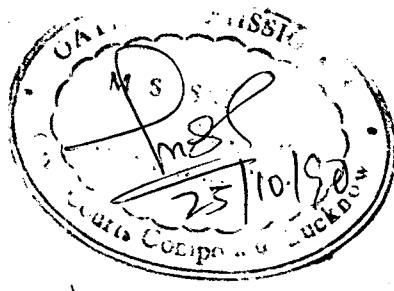


(Ag)

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is taken on the representation of the petitioner. This Hon'ble Tribunal had directed the Respondent No.1 (arrayed as Respondent No.2 in the O.A.No.290 of 1990) to dispose of the representation of the petitioner taking into account all the facts and, if possible, after giving an opportunity of personal hearing to the petitioner.

9. That due to certain urgent domestic problems, the petitioner had to proceed on leave to Bhopal from 3.9.1990 to 7.9.1990. On return from leave, the petitioner was served with the order No. S & D/DD/Misc/1/90 dated 10.9.1990 by the Respondent No.2 vide which the petitioner was directed to report to Madras and it was also intimated that the representation of the petitioner has been considered by the Respondent No.1 but it has not been found possible to accede to the petitioner's request. A ^{3 photostat 3} ~~copy~~ copy of the letter dated 10.9.1990 is being annexed as Annexure No.2.



10. That the petitioner forwarded the certified copy of the judgment dated 31.8.1990, alongwith a copy of the O.A. No.290 of 1990 to the Respondent No.1, through the Respondent No.2, vide his application dated 10.9.1990, a photostat copy of which is being annexed as Annexure No.3. In his application dated 10.9.1990,

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A10

- 7 -

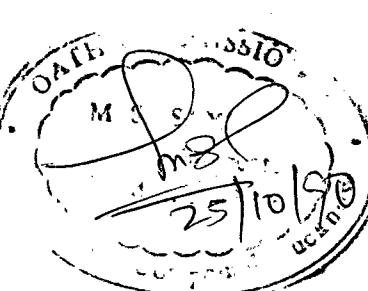
the petitioner had prayed for decision on his representation in the light of the judgment of this Hon'ble Tribunal dated 31.8.1990 passed in C.A.No. 290 of 1990 after giving him an opportunity of personal hearing.

11. That as already stated, the petitioner had no time to submit a detailed representation on 27.8.1990. Therefore, the petitioner submitted another representation eliciting his grievances on 21.9.1990 through proper channels. A photostat copy of the representation dated 21.9.1990 is being annexed as Annexure No.4.

12. That no decision has been communicated to the petitioner on his representation, nor he has been communicated the date of personal hearing or the reasons as to why personal hearing is not possible, as directed by this Hon'ble Tribunal vide judgment and order dated 31.8.1990.

13. That the petitioner has been served with the Officer order No.5 & D/DD/Misc/1/90-38 dated 4.10.1990 by the Respondent No.2 relieving the petitioner w.e.f.4.10.1990(A.N.)with the instructions to report to the Regional Deputy Director, Song and Drama Division, Madras. Vide the said office order

Deeplakshmi

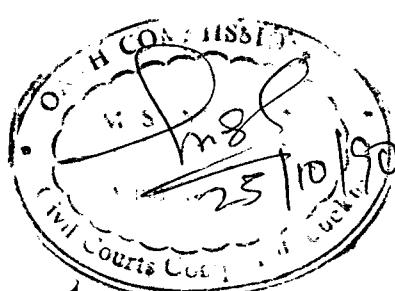


the petitioner was asked to hand over the charge of office alongwith the Government material under his possession to the Respondent No.2 immediately.

A photostat copy of the order dated 4.10.1990 is being annexed as Annexure No.5. A perusal of this order reveals that it has been issued under the authority of some letter dated 21.9.1990 sent by the office of the Respondent No.1. It is strange that the petitioner is relieved first and then asked to hand over the charge. It is specifically stated here that the alleged letter dated 21.9.1990, referred to by the Respondent No.2 in his office order dated 4.10.1990 (Annexure No.5) has not yet been received by the petitioner.

14. That the petitioner submitted an application to the Respondent No.2 on 4.10.1990, in which he had clearly stated that no decision has been communicated to him on his representation nor he has been given an opportunity of personal hearing, hence there was no question of relieving him, in view of the stay order granted by this Hon'ble Tribunal. The petitioner is, therefore, continuing to work at Lucknow. A photostat copy of the application dated 4.10.1990 is being annexed as Annexure No.6.

15. That the Respondent No.2, acting under the directions and at the behest of Respondent No.1



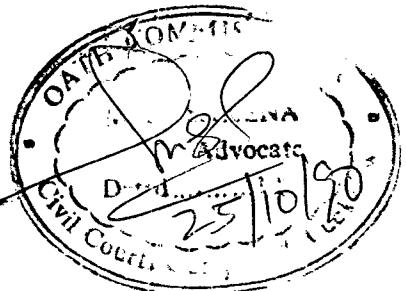
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AP2

is, however, not allowing the petitioner to function as Administrative Officer and sign any correspondence etc and has clearly told that from his side the petitioner stands relieved, no matter whether his representation against the transfer is decided or not. The petitioner is advised to state that the act and conduct of the Respondents is grossly contemptuous as they are wilfully, intentionally and deliberately disobeying and flouting the order dated 31.8.1990 passed by this Hon'ble Tribunal in C.A.No.290 of 1990 and they have respect, whatsoever, for the orders passed by this Hon'ble Tribunal, for which they are liable to be summoned, dealt with and punished in accordance with law.

16. That it may be pertinent to mention that the Song and Drama Division officials sitting in Headquarters have perhaps pleasure in flouting of the orders passed by Courts including this Hon'ble Tribunal and they have respect for the orders and judgment passed by the Courts. It will not be out of place to mention here that a civil contempt case (C.C.P.No.8 of 1990(L)-Smt. Krishna Jafri Vs. Sri Kripa Sagar and others) is pending before this Hon'ble Tribunal against the former Director of Song & Drama Division for committing contempt of this Hon'ble Tribunal, which continued even after dismissal of S.L.P. against the

Reengaged



- 10 -

judgment in O.A.No.163 of 1989) L) by Hon'ble Supreme Court.

17. That the cause of action for this contempt petition accrued on 4.10.1990, when the Respondent No.2 issued the office order relieving the petitioner at the behest of the Respondent No.2 before decision on the representation of the petitioner, and is continuing on day to day basis.

WHEREFORE, it is humbly prayed that this Hon'ble Tribunal may kindly be pleased to summon the respondent, deal with and punish them in accordance with law for committing contempt of this Hon'ble Tribunal.

Lucknow:

R.C. Singh
(R.C. Singh)
Advocate
Counsel for the Petitioner.

Dated: October 25, 1990.

Before the Central Adminis
Circuit Bench,
Contempt Petition (Civ.)

AM

G.K. Nagchandi

Vs.

Dr. P.K. Nandi & Another

Central Adminisccra vs Tribu

lucknow.

Registration (O. . No. 29

G.K. Nagchandi

Vs.

Union of India and others

Hon'ble Mr. D.K. Agrawal, Ji

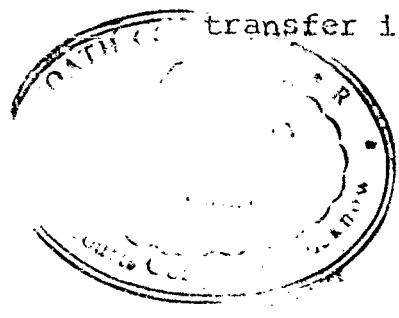
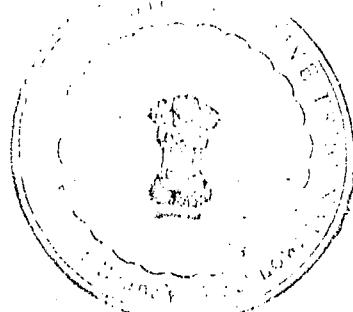
Hon'ble Mr. K. Obayya, AM

J U D G

(Delivered by Hon'ble

This application under
Administrative Tribunals Act
the above named applicant a
transfer dated 22-8-1990 tr
to Madras in the same capac
Officer under the Directors
Division, Ministry of Infor
New Delhi. The applicant r
number of grounds which we
It is suffice to say that t
made a representation d-ate
Song and Drama Division, M
Broadcasting, Government o
has duly been forwarded by
and Drama Division, Minist
Lucknow on 28-8-1990. We

transfer is an incident of



MS

throughout. It has been further contended on behalf of the applicant that the applicant may have been misunderstood by his superior for one or the other reasons and that the applicant has been straightforward in his conduct so far. However, even if it would be correct, we are of the opinion that it is for the competent authority to take in account all these factors and sympathetically consider the representation made by him. We hope that the competent authority would take into account all these facts before ^{it} takes a decision on the representation made by the applicant on 27-8-1990. We, therefore, dispose of this petition with the direction to respondent no. 2 to dispose of the representation dated 27-8-1990 made by the applicant taking into account all the facts and, if possible, after giving an opportunity of personal hearing to the applicant and that the transfer in question will not be implemented till a decision on the said representation. The petition is disposed of accordingly without any order as to costs.

(A.M.)

Dated : Lucknow

August 31, 1990.

ES/

Sd/

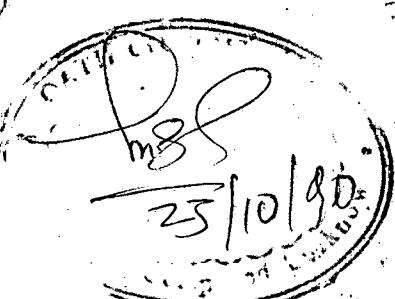
31.8.90

(J.M.)

Attested
True Copy

Deputy Commissioner
Central Administrative Tribunal
Lucknow Bldg.,

Sd/
31/8/90



Received

Before the Central Administrative Tribunal
Circuit Bench, Lucknow
Contempt Petition (Civil) No. 1990(L) A/H

G.K. Nagchandi

vs.

Dr. P.K. Nandi & Another

-- Petitioner

-- Respondent

ANNEXURE NO. 2

Confidential

No. SED/DD/misc/fi/96

Song & Drama Division

Min. of I&B, Govt. of India

110-a, Faizabad Road
Lucknow.

Dated : 10/9/90

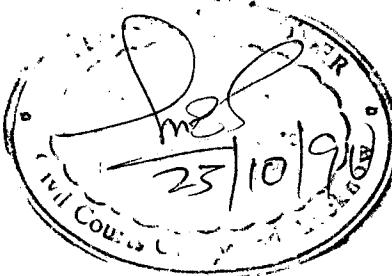
OFFICE ORDER

Reference his application dated 23/8/90 which was forwarded by this office to Director Song & Drama Division New Delhi it is informed to Sh. G.K. Nagchandi, Admin. Officer that his application has been considered by the Director SDD New Delhi and it has not been found possible to exceed to his request.

He is directed to report by Director, SDD New Delhi with immediate effect as he stands relieved from this office with immediate effect.


(B.P. Sinha) 10.9.90
Regional Deputy Director.

Sh. G.K. Nagchandi,
Administrative Officer,
Song & Drama Division
Lucknow.



Received

Before the Central Administrative Tribunal
Circuit Bench, Lucknow
Contempt Petition (Civil) No. of 1990(L)

ATX

G.K. Nagchandi

vs.

-- Petitioner

Dr. P.K. Nandi & Another

-- Respondent

ANNEXURE NO. 3

The Director,
Song & Drama Division
Min. of I & S,
Govt. of India
16/16, Subhash Marg,
Bara Ganj
New Delhi-110002.

(Through Proper Channel)

Subject:- Transfer in respect of Sh. G.K. Nagchandi,
Administrative Officer from Lucknow to
Kolkata - Administrative Officer.

sir,

Kindly refer to your order issued vide your letter No. A-22013/1/90-dated 22/8/90 regarding my transfer from Lucknow to Madras and the reliving order issued vide Dy. Director, S&D, Lucknow's letter No. A-22013/1/90 dated 27/8/90 and my representation against the same dated 27/8/90 forwarded to you by Dy. Director, Lucknow vide his letter No. A-10012/2/SC-Rev/LK/6-29 dated 28/8/90. the way my transfer order was issued and the haste which was shown in relieving me left no other alternative for me but to approach the Central Administrative Tribunal at its Circuit Bench Lucknow seeking relief against transfer order. Accordingly Petition No. 290 of 1990(L) (G.K. Nagchandi v/s Union of India & others) was filed. A copy of the Cr. No. 290 of 1990(L) together with all its enclosures is annexed for your perusal.

The matter was heard by Divisional Bench of Central Administrative Tribunal Circuit Bench Lucknow on 31/8/90 and disposed off finally on the same day through a detailed order. A certified copy of the order dated 31/8/90 is also annexed for your information and action as per the directions of the noble Tribunal.

A perusal of the Judgment & order dated 31/8/90 reveals that the Tribunal has mainly taken into consideration the fact that the representation was made on 27/8/90 which has been duly forwarded by the Regional Dy. Director Song & Drama Division, Lucknow on 28/8/90. Though the noble Tribunal has opined that "The transfer is an incident of service but it has also given specific opinion "All the same it is the bounden duty of the competent authority to take into account the hardships likely to be undergone by the public servant in regard to transfer of his work & conduct in the department". As regards the contention raised on behalf of the applicant (m) regarding various factors & grounds in the petition, the Tribunal was of the opinion that it is for the competent authority to take into account all the said factors. Further the tribunal has hoped that the competent authority would take into account all these factors before it takes a decision on the applicant's representation.

The noble Tribunal has disposed off the Petition with the directions to dispose off the representation taking into account all the factors and if possible after giving the opportunity of personal hearing.

(Ad)

the Tribunal has further directed that the transfer order in question will not be implemented till a decision is taken on the said representation. Here it may be stated that the decision on the representation is to be taken after taking into account all the facts as per the directions of the Tribunal & not otherwise.

The applicant was on leave from 03/9/90 to 07/9/90. In his absence the certified copy of the order dated 31/8/90 was applied for by the council. However on the joining on the 10/9/90 the certified copy was obtained from the council and the same is submitted to you.

Meanwhile I have been served with the order No. S&D/DO/misc/1/90 dated 10/9/90 by which I have been directed to report to Dy. Director, Song & Drama Division Madras as I stand relieved from Lucknow with immediate effect vide the said order dated 10/9/90 it has also been intimated that my application has been considered but it has not been found possible to accede to my request. No reasons have, however been assigned for rejecting my representation. It may be mentioned here that such a decision is no decision in the eyes of law more so in the light of the observations and direction of Central Administrative Tribunal Circuit Bench Lucknow vide its judgement & order dated 31/8/90. Since the implementation of the transfer order has also been stayed till a decision is taken on the said representation, I cannot be relieved unless the representation is decided as per the direction of the H'ble Tribunal.

In view of the above I would request you to consider my representation dated 27/8/90 afresh taking into account all the facts narrated in the original application No. 290 of 1990(L) and after giving me an opportunity of personal hearing. This will also help in removing any misunderstanding that might have cropped up in the circumstances of the case. May suitable instructions be issued to the Dy. Director, Lucknow to withhold the relieving process till the representation is disposed of in accordance with the directions of the tribunal. I may kindly be communicated any date convenient to you for affording a opportunity of personal hearing to me.

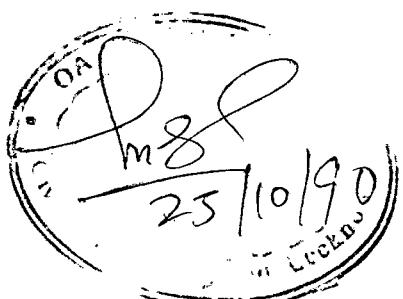
Awaiting your suitable decision, I am not handing over my charge at Lucknow and continuing to function at Lucknow.

Thanking you.

Yours faithfully


(G. K. Nagchandi),
Administrative Officer,
Song & Drama Division, LKO.

Encl:- Petition No.
290 of 1990(L) &
judgement copy.



Received

Before the Central Administrative Tribunal
Circuit Bench, Lucknow
Contempt Petition (Civil) No. of 1990(L)

G.K. Nagchandi

vs.

-- Petitioner

Dr. P. K. Nandi & Another

-- Respondent

ANNEXURE NO. 4

AM

To,

The Director,
Song and Drama Division,
Ministry of I & M,
15/16, Sukhish Marg,
Daryaganj,
New Delhi.

(THOUGH TRUPER - C.M.A. NEL)

Subject:- Representation against the transfer of Shri G.K. Nagchandi, adm. Officer, from Lucknow to Madras.

Sir,

Kindly refer to my representation dated 27.8.60 forwarded to you by Dy. Director, S&D, Lucknow vide his letter No. A-14012/2/cr-secy/LKO., dated 28.8.60 and my second representation dated 10.9.60 forwarded to you by Dy. Director, Lucknow vide his letter No. S&D/DE/ Misc./1/60 dated 11.9.60 on the subject cited above.

In this connection I am to submit that my transfer and particularly reliving us in haste gave me practically no time to draft a detailed representation. My representation dated 27.8.60 was, therefore, drafted in a hurry. Moreover the file containing my correspondence with HQs. was at Bhopal. During my recent visit I have brought ~~copy~~ some of the papers and submitting the following facts for your kind consideration:-

My daughter Ks. Shanti Nagchandi is not keeping good health since April '60 and is under treatment at Bhopal. According to Doctors she will have to remain under prolonged treatment. The photocopies of prescriptions and Medical certificates are enclosed for perusal. Keeping this in view my presence at Bhopal is an essential just for restoration of the health of my daughter. I may submit that due to my posting at Lucknow and the exigencies of work I could not look after my daughter properly with the result she could not appear in her annual examination of H.S.C. My son who was to appear for H.G.C. examination also could not appear because in my absence he had to look after his sister. Thus the valuable academic year of '60-61 my son and daughter has been lost this time. Thanks to the policy of the Division.

It is recalled that in 1956, when I was functioning as F.I.C., Umaria, I even opted reversion for being posted at Bhopal. But for the reasons best known to HQs. my request was not considered.

Due to proposed marriage of my daughter in Nov. 1960 my presence at Bhopal is very essential for the welfare of my family and I will therefore once again request you to post me at Bhopal. After all, heavens will yet fall if Adm. Officer Chandigarh/Bhopal is posted at Lucknow.

Ministry of Home Affairs O.M. No. P-36/16/59 Est. (A) dated 15.3.60 says that a Govt. Servant is expected to look after proper maintenance of his family and if he fails to do so disciplinary action can be taken against him. On the contrary in my case the Division is forcing us to neglect my family.

(cont...2)

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A/C

It may be mentioned here that I have been transferred to Madras on the basis of alleged complaints, without verifying the facts of such complaints, which amounts to transfer by way of punishment. The transfer order has been issued without affording an opportunity or hearing to me which is violative of the principles of natural justice. It appears that I have been misunderstood by your kindself. It may also be pertinent to mention that many of my colleagues have been allowed to serve near their homes for the past many years and some of them have not been transferred even a single time. I am not in a position to understand the reasons for this step motherly treatment.

Considering the above facts please do justice to me by posting me at Bhopal, if not possible, I may be allowed to continue at Lucknow.

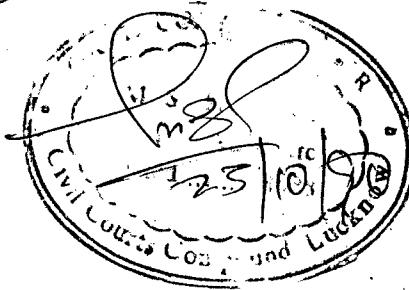
Thanking you.

Yours faithfully,

C. K. Nagendri

(C. K. Nagendri)
Administrative Officer
Song and Drama Division,
Lucknow.

Dated : 21.8.1955.



Before the Central Administrative Tribunal
Circuit Bench, Lucknow
Contempt Petition (Civil) No. 1990(L) B21

G.K. Nagchandi Vs.
Dr. P.K. Nandi & Another

— Petitioner
— Respondent
ANNEXURE NO. 5

Confidential

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No. S&D/DD/Misc./1/90 - 25
Song & Drama Division
Min. of I & B,
Govt. of India

116-A, Faizabad Road,
Lucknow.

Dated : 04/10/90

-: OFFICE ORDER :-

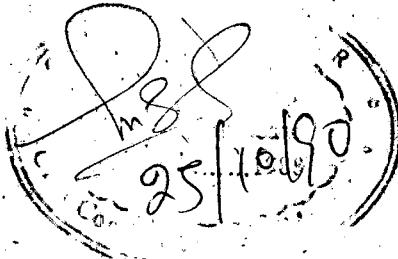
Reference Hrs. letter No. A-22013/1/90-Admn.-I
dated 21/9/90, Sh. G.K. Nagchandi, Admn. Officer
Song & Drama Division, Lucknow centre is hereby
relieved of his duties from this centre w.e.f.
04/10/90 (A.N.), with the instructions to report
to Regional Deputy Director, Song & Drama Divine
Madras immediately.

He should hand over the charge of Adminis-
trative Officer along with all the Government-
material under his possession to the under-
signed immediately.

(B.P. Sinha)

Regional Deputy Director 4.10.90

✓ Shri G.K. Nagchandi,
Administrative Officer,
Song & Drama Division,
Lucknow.



Received

Before the Central Administrative Tribunal
Circuit Bench, Lucknow
Contempt Petition (Civil) No. of 1990(L)

G.K. Nagchundi

vs.

Dr. P.K. Nandi & Another

-- Petitioner

-- Respondent

ANNEXURE NO. 6

R22

To

The Deputy Director,
Song & Drums Division
Min. of I & S,
Govt. of India
116-A, Faizabad Road,
Lucknow.

Due representation against the relieving order
No. SAD/DD/Misc./1/80 dated 4/10/80, from
Lucknow to Madras, transfer regarding.

Sir,

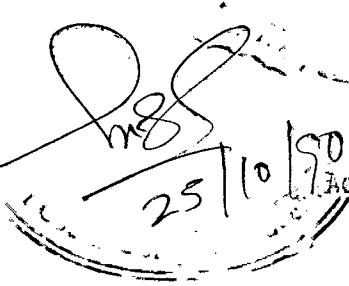
Kindly refer to your order No. SAD/DD/Misc./1/80
dated relieving me from Lucknow to join at Madras

It is brought to your kind notice that Central Administrative Tribunal, Circuit Bench Lucknow vide order dated 31/8/80 had stayed the implementation of my transfer order dated 22/8/80, till a decision is taken by the Director, Song & Drums Division, New Delhi on my representation. Till date no decision has been communicated to me about my representation nor I have been given an opportunity of personal hearing. hence there is no question of my relieving or handing over the charge at Lucknow.

If I am forced to hand over the charge of Administrative Officer, Lucknow, it will be utter disregard of the order passed by the a'ble Tribunal in the case No. 280 of 1980 (L) dated 31/8/80. And this flagrant flouting of the order dated 31/8/80 passed by the a'ble Tribunal is grossly contemptuous.

Thanking you.

Yours faithfully


G.K. Nagchundi, Admin. Officer.

25/10/80 (G.K. Nagchundi), A/X

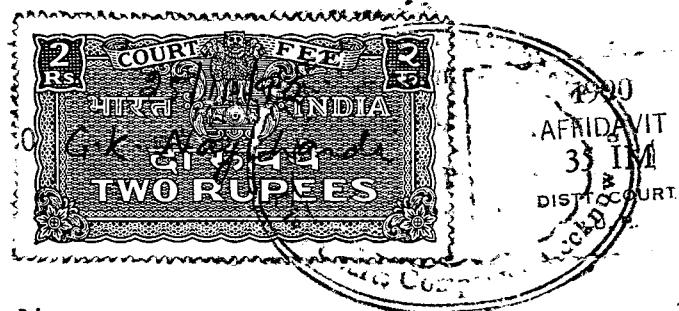
Replied

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Contempt Petition (Civil)No. of 1990(L)

In re:

O.A.No.290 of 1990(L)



G.K.Nagchandi

...Petitioner

Versus

Dr.P.K.Nandi and Another

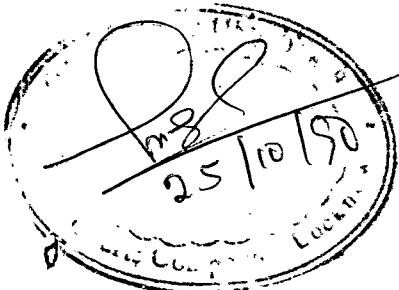
...Respondents.

AFFIDAVIT.

I, G.K.Nagchandi, aged about 50 years, son of Late Sri K.V.Nagchandi, resident of 116A, Faizabad Road, Lucknow, the deponent, do hereby solemnly affirm and state on oath as under:-

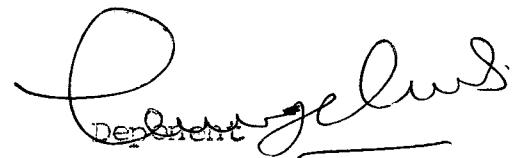
1. That the deponent is the petitioner in the above described Contempt Petition and as such he is fully acquainted with the facts and circumstances of the case.

2. That the contents of paras 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 17 of the contempt petition are true to my personal knowledge and those of para 16 are based on information which is believed to be true.



Deeplakshmi

3. That Annexures Nos. 1 to 6 are the electrostat. copies of their respective originals.

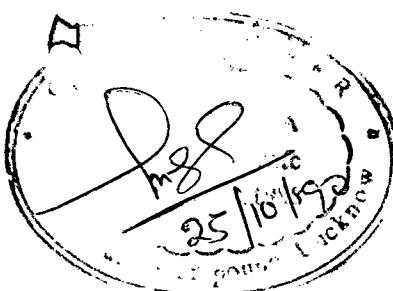

Deponent

Lucknow


Dated: October 25 1990.

VERIFICATION.

I the deponent, above named, do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed. So help me God.



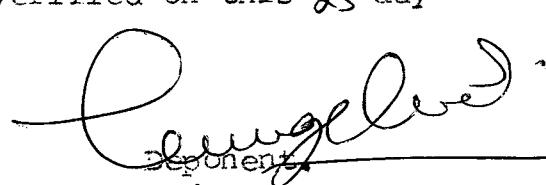
351 M.

Q. F. Nagchandra

of October 25, 1990.

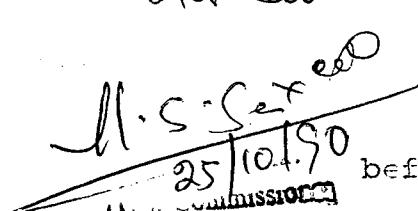
R. C. Singh

Advocate


Signed and verified on this 25th day

IDENTIFICATION.

I identify the deponent who has signed


M. S. Set
25/10/90
before me.


(R.C.SINGH)
Advocate.

In the Hon'ble Central Administrative Tribunal
बुआदा लालता श्रीमान Circuit Bench, Lucknow

माहौद्दय

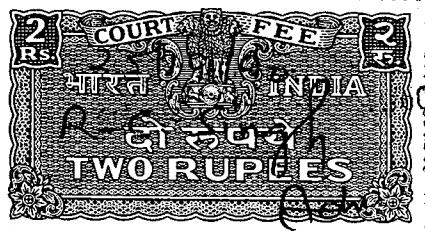
Contempt Petition (Civil) No.

७१९०(८)

वादी (मुद्दई)
मुद्दई (मुद्दालेह)

का

वकालतनामा



G.K. Nagchandri

vs.
Dr. P.K. Nandi & Another

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा

सन

पेशी की ता०

१९

ई०

R.C. Singh, Advocate

(Regn. No. U.P. 2388 of 1987), 512/29, 7th Lane

वकील

Nishatganj, Lucknow - 226006

महोदय
एडवोकेट

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

टिनांक २५ फ्ट

महीना ०८/८८ सन् १९९० ई०

Accepted

25/10/90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

CONTEMPT Rx. No. 17 of 1990(L)

Shri G.K. Nagchandi .. Applicant

-vs-

Dr. P.K. Nandi

Shri BP Sinha .. Respondents

COUNTER AFFIDAVIT ON BEHALF OF SHRI B. P. SINHA
RESPONDENT NO. 2.

1991
AFFIDAVIT
11 IM
DISTT. COURT
U.P. I

I. B. P. Sinha aged about 54 years, son of late Shri JP Sinha, at present posted as Deputy Director in the office of the Song & Drama Division, Ministry of Information and Broadcasting,

116-A, Faizabad Road, Lucknow do hereby solemnly affirm and state as under:-

1. That the deponent is Respondent no. 2 in the above mentioned contempt application/petition as such he is well conversant with the facts of the case.

2. That the deponent has read and understood the contents of the contempt petition filed by the applicant as well as the facts deposed to herein under in reply thereof.

3. That the contents of para 1 to 7 of the contempt petition relates to the transfer of the petitioner and as O.A. No. 361 of 1990(L) (Shri GK Nagchandi-

B.P. Sinha
Dy. Director
Song & Drama Division
Min. of I&B, Govt. of India
Lucknow.

-vs- Union of India and others) seeking relief to quash the transfer order of the applicant is already under consideration of the Hon'ble CAT, no comments are considered appropriate at this stage as the same may prejudice the decision.

4. That the contents of para 8 & 9 of the contempt petition needs no comments.

5. That ~~xxx~~ the contents of para 10 of the contempt petition are admitted to the extent that the deponent has simply obeyed the order of his higher authorities ie. Respondent no.1 in the above contempt petition, as such the deponent has not committed any contempt of the Hon'ble Tribunal.

6. That the contents of para 11 of the contempt petition are not disputed.

7. That in reply to the contents of para 12 & 13 of the contempt petition are under consideration, and the deponent has simply obeyed the order of his superiors and relieved the applicant from his duties vide his letter No. S&D/DD/M, sc/1/90-38 dated 4.10.90 (Annexure No.6 to the application). This is the official language ordering any person on transfer to hand over the charge.


B P Sinha
Dy. Director
Song & Dams Division
Min. of I&B, Govt. of India
Lucknow.

And

8. That the contents of para 14 of the contempt petition need no comments.

9. That there is no willful or deliberate omission or act on the part of the Respondent no.2 (deponent) to dis-obey or to show dis-regard to the order passed by this Hon'ble Tribunal, the deponent has all respect and regard to this Hon'ble Tribunal.

10. That the deponent as well as the other Respondent no.1 has not committed any contempt as per their knowledge but in case this Hon'ble Tribunal finds there any lapse or default on the part of the deponent, he tenders un-conditional appology and leaves himself on the mercy of this Hon'ble Tribunal.

11. That the grounds taken by the applicant for contempt of court proceedings are not tenable in the eyes of law in view of the facts and circumstances stated above, and the applicant is not entitled to get any relief as sought by him.

12. That the contempt petition filed by the petitioner is pre-matured and is liable to be dismissed with costs to the Respondents.

B P Sinha

Dy. Director

Song & Drama Division
Min. of I&B, Govt. of India
Lucknow.

Deponent.

Lucknow,

Dated: 29/6/61

B P Sinha
Dy. Director
Song & Drama Division
Min. of I&B, Govt. of India
Lucknow.

29

Verification.

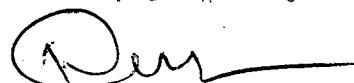
I, the deponent named above do hereby verify that the contents of paragraphs 1 & 2 of the affidavit are true to my personal knowledge and those of paragraphs 3 to 9 of the affidavit are believed to be true on the basis of information gathered as well as ~~xx~~ per records and paragraphs 10 to 12 of the affidavit are based on the legal advice. Nothing material fact has been concealed and no part of it is false.

Deponent,


B P Sinha

Dy. Director

I Identify the deponent ~~Songs & Drags Division~~
~~Min. of I & B, Govt. of India~~
before me and is also ~~permanently~~ known
to me.



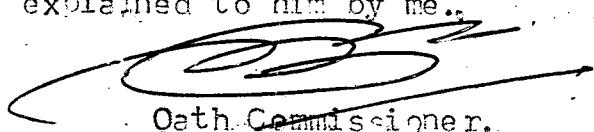
(VK Chaudhari)
Addl Standing Counsel for Central Govt
(Counsel for the Respondents ~~xxx~~)

Lucknow,

Dated: 29/6/91

Solemnly affirmed before me by the deponent this
day of June 1991 at 5.30 pm who has
been identified by Shri VK Chaudhari, Advocate, High
Court, Lucknow.

I have satisfied myself by examining the
deponent that he understands the contents of this affidavit
which have been read over and explained to him by me.


Oath Commissioner.

29/6/91

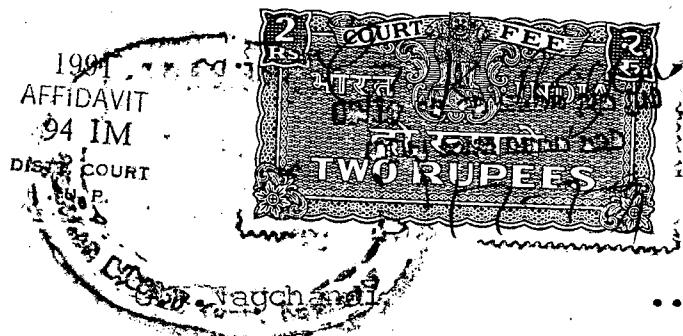
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD
CIRCUIT BENCH LUCKNOW.

(civil)

Contempt Petition No.17 of 1990 (L)

In re:

O.A.No.290 of 1990 (L)



...Petitioner

Versus

Dr. P.K.Nandi and another ...Respondents.

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT
FILED ON BEHALF OF THE RESPONDENTS.

I, G.K.Nagchandi, aged about 51

years s/o Sri K.V.Nagchandi

r/o 116-A Faizabad Road, Lucknow

the deponent do hereby solemnly

affirm and state on oath as under:-



Filed today

Signature

18/7/91

1. That the deponent is the petitioner in the above described contempt petition and as such he is fully conversant with the facts and circumstances of the case.

2. That the deponent has read and understood the contents of the counter affidavit filed by respondent No.1 and its Rejoinder is being filed hereunder.

Rejoinder

A30

- 2 -

3. That the contents of para 1 of the counter affidavit need no reply.

4. That the contents of para 2 of the counter affidavit need no reply.

5. That in reply to the contents of para 3 of the counter affidavit it is stated that the averments made in paras 1 to 7 of the contempt petition were also the subject matter for consideration before this Hon'ble Tribunal in O.A. No.290 of 1990 (L) and this Hon'ble Tribunal had passed the judgment and order dated 31.8.90 after considering the same.

6. That the contents of para 4 of the counter affidavit need no reply.

7. That the contents of para 5 of the counter affidavit are not admitted as stated. It is incorrect to say that the respondent No.1 had considered the representation of the petitioner again giving full respect and regard to the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal. The alleged letter dated

Reengaged

21.9.90 annexed as Annexure No.R-1 has not yet been received by the petitioner. However, a perusal of the letter dated 21.9.90(Annexure R-1) reveals that the respondents have simply stated that the request of the petitioner vide letter dated 10.9.90 had again been considered and it was not possible to accede to the same. The alleged letter makes no mention of the various grounds and facts taken by the petitioner in C.A. No.290 of 1990 (L) and this Hon'ble Tribunal had found it just and appropriate to direct the respondents to decide the representation taking into account all these facts. The alleged letter dated 21.9.90 ipsofacto shows the gross disrespect shown by the Respondent No.1 and it further shows that the Respondent No.1 was not inclined to consider the matter again irrespective of the direction given by this Hon'ble Tribunal vide judgment and order dated 31.8.90 which is contemptuous. Further nothing was mentioned about personal hearing to the deponent.

8. That the contents of para 6 of the counter affidavit are denied as wrong and those of para 11 of the contempt application are reiterated as true. As already stated the

Deepti

- 4 -

the representation of the petitioner was not considered in the light of the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal.

9. That the contents of para 7 of the counter affidavit are denied as wrong and the contents of para 12 and 13 of the contempt petition are reiterated as true. As already stated the alleged letter dated 21.9.90 has not yet been received by the petitioner. This fact is also evident from the contents of para 2 of the application dated 4.10.90(Annexure No.6) of the deponent. It was expected of the respondents to supply the copy of the alleged letter dated 21.9.90 to the petitioner. It may further be added thatdespite specific request for personal hearing by the deponent vide his application dated 10.9.90(Annexure No.3)neither the personal hearing was given nor any reason was communicated for giving the personal hearing to the deponent which is in complete disregard of the direction given vide judgment and order dated 31.8.90 passed by this Hon'ble Tribunal. The respondent had decided suo-motu on certain hypothecation

Enclosed

and presumption that there was no fresh point to be considered. The decision was wholly arbitrary and in utter disregard of the principles of natural justice. A perusal of the office note (Annexure R-3) clearly reveals that the respondent No.1 was not inclined to reconsider the matter and had not considered any of the facts mentioned by the petitioner in the O.A.

10. That in reply to the contents of para 8 of the counter affidavit it is stated that the present contempt petition relates to the disrespect and flouting of the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal which has very little to do with the grievance of the petitioner. The flouting of the order had another effect that the deponent who had very strong and genuine reasons against his transfer to Madras had to approach this Hon'ble Tribunal once again through O.A.No.316 of 1990(L) entailing heavy financial burden due to multifarious litigation.

11. That the contents of para 9 of the counter affidavit are denied as wrong and untrue. As stated above the Respondent has completely

Deepti

disregarded the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal deliberately and wilfully and neither considered the representation of the petitioner nor afforded the opportunity of personal hearing to the deponent as per direction of this Hon'ble Tribunal.

12. That the contents of para 10 of the counter affidavit need no comments from the deponent. It is for the Hon'ble Tribunal to accept or reject the unconditional apology tendered by the Respondent No.1. However, considering the action taken by the Respondent No.1 after having received the copy of the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal and its complete disregard by him the respondent is liable to be dealt with in accordance with law which is also essential for the maintenance of the dignity and respect of this Hon'ble Tribunal.

13. That in reply to the contents of para 11 of the counter affidavit it is submitted that the petitioner has not predicted the judgment in CCP No.8 of 1990(L) but has simply made the averment in para 16 of the contempt

Reegees

petition to show that the Respondents are in the habit of flouting, disobeying and disrespecting the orders passed by Judiciary. This tendency should be curbed otherwise the confidence of the public will be shaken and they will have no faith in the administration of justice.

14. That the contents of para 12 of the counter affidavit are denied as wrong and misconceived. The respondents are liable to be summoned and punished.

Lucknow:

Deponent

Dated : July , 1991.

VERIFICATION.

I the abovenamed deponent do hereby hereby verify that the contents of paras 1 to 10, 11(partly), 13(partly) of this affidavit are believed to be true on the basis of personal knowledge and those of paras 11(partly)12(partly)

13(partly) and 14 are believed to be true on

Ajay Pratap Singh
the basis of legal advice. No part of it is

false and nothing has been concealed. So

K. M. Deo
help me God.

Lucknow:

Deponent

Dated: July , 1991.

IDENTIFICATION

I identify the deponent who has signed before me.

Amogh Singh
10/7/91
Advocate.

Clay
A
37
dt - 21/5/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.

NOTICE OF CONTEMPT.

No. 247-CB/Lkd/Jud - 605-606

To

1. Dr. P. K. Mandi, Director, Song & Drama Division, Ministry of Information and Broadcasting, Govt. of India, 15/16 Subhash Marg, Daryaganj, New Delhi - 110 002.
2. Sri B. P. Sinha, Dy. Director, Song & Drama Division Ministry of Information and Broadcasting, Govt. of India, 116 A, Faizabad Road, Lucknow - 110 006.

Whereas information is laid/a petition is filed/motion is made by O.K. Nagchandri (Applicant) that you have not complied the order of this Hon'ble Tribunal Dt. 31.8.90 passed in O.A. No. 290/90(L)

And whereas a petition has been registered against you for action being taken under the contempt of Courts Act, 1971;

You are hereby required to appear in person or through a duly authorised advocate* on 2 day of 7/91 at C.A.T/CB/LKD and on subsequent dates to which the proceedings may be adjourned unless otherwise ordered by the Tribunal and show cause why such action as is deemed fit under the Contempt of Courts Act, 1971 should not be taken against you.

Given under my hand and the seal of this Tribunal, this
2nd day of May 1991.

711
Deputy Registrar.
Central Administrative Tribunal,

Encl : Copy of petition with Courts order dt. 4.4.91 passed thereon.

CENTRAL ADMINISTRATIVE TIBUNAL
CIRCUIT BENCH : LUCKNOW.

Contempt No- 17 of 1990 (L)

G.K.Nagchandi..... Applicant.

Versus.

Union of India & Others. Respondents.

Dated 4.4.91. Hon'ble Mr. A.B.Gorthi, A.M.

Hon'ble Mr. S.N.Prasad, J.M.

Heard the learned counsel for the applicant.
Vide Tribunal's order dt 31.8.90 the respondent No.2
(O.P.No-1 in the contempt petition) was directed to
dispose of the representation dt. 27.8.90 made by the
applicant taking into account all the facts and if,
possible, after giving an opportunity of personal hearing
to the applicant and that the transfer in question
would not be implemented till a decision was taken on
the said representation. Thereafter an order dt 4.10.90
was issued by Regional Deputy Director (O.P No.2 in this
case) relieving the applicant of his duties and directing
him to report to the Regional Deputy Director, song
and Drama Division, Madras immediately.

The aforesaid office order does not indicate
that it was passed after considering the representation
made by the applicant. It does not also indicate whether
the question of granting the applicant personal hearing
was considered as directed by this Tribunal.

Issue notice to respondents to file reply
within four weeks containing clarification ~~if~~ that
specific reference to the observations made above.
Rejoinder, if any, may be filed ~~within~~ one week thereafter.
list the case for hearing on 2.7.91. On the said date the
personal attendance of opposite parties No.2 & 3 is
dispensed with.

J.M

A.M

Sd/-

Sd/-

.. True Copy...


Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW